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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,618	05/14/2001	George Bartlett	01-165	9200
75	590 08/23/2002			
GEORGE A. COURY BACHMAN & LaPOINTE, P.C. Suite 1201 900 Chapel Street New Haven, CT 06510-2802			EXAMINER	
			SELF, SHELLEY M	
			ART UNIT	PAPER NUMBER
==== :, =			3725	

Please find below and/or attached an Office communication concerning this application or proceeding.

	<u> </u>		S.M.			
		Application No.	Applicant(s)			
-		09/854,618	BARTLETT, GEORGE			
	Office Action Summary	Examiner	Art Unit			
		Shelley Self	3725			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHO THE N - Exten after S - If the - If NO - Failur	DRTENED STATUTORY PERIOD FOR REPLY MAILING DATE OF THIS COMMUNICATION. sions of time may be available under the provisions of 37 CFR 1.1 SIX (6) MONTHS from the mailing date of this communication. period for reply specified above is less than thirty (30) days, a reply period for reply is specified above, the maximum statutory period to to reply within the set or extended period for reply will, by statute the ply received by the Office later than three months after the mailing of patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a rep y within the statutory minimum of thirty will apply and will expire SIX (6) MONTI	ly be timely filed (30) days will be considered timely. HS from the mailing date of this communication. NDONED (35 U.S.C. § 133).			
1)□	Responsive to communication(s) filed on	·				
2a)□	,	nis action is non-final.				
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims						
4) Claim(s) 1-8 is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.						
5)	5) Claim(s) is/are allowed.					
6)⊠						
7)	7) ☐ Claim(s) is/are objected to.					
8) Claim(s) are subject to restriction and/or election requirement.						
Application Papers						
9) The specification is objected to by the Examiner.						
10)🖂	10) ☐ The drawing(s) filed on 14 May 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.					
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.						
If approved, corrected drawings are required in reply to this Office action.						
12) The oath or declaration is objected to by the Examiner.						
Priority under 35 U.S.C. §§ 119 and 120						
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a) ☐ All b) ☐ Some * c) ☐ None of:						
	1. Certified copies of the priority documents have been received.					
	2. Certified copies of the priority documents have been received in Application No					
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).						
a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.						
Attachme	nt(s)					
2) Not	ice of References Cited (PTO-892) ice of Draftsperson's Patent Drawing Review (PTO-948) rmation Disclosure Statement(s) (PTO-1449) Paper No(s	5) Notice of	Summary (PTO-413) Paper No(s) Informal Patent Application (PTO-152)			
U.S. Patent and	Trademark Office		Part of Paner No. 3			

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DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a) because they fail to show the packing attachment mounted to a front loader machine as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-8 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification and drawings do not illustrate how the packing arrangement is mounted to a front loader machine. The apparatus is not shown in its operative condition, attached to the front loader.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With regard to claim 1, it is unclear if "the front loader machine" is part of the invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 7 and 8 as best as a can be understood are rejected under 35 U.S.C. 102(b) as being anticipated by Bates. With regard to claims 1 and 3, Bates discloses a patching attachment (10) comprising an elongate shaft (78, 62) having a longitudinal axis, mount end (72, 74, 79, 56, 59), mounting structure (74, 56) with mounting points (72, 59) compacting end (81) and mounting points (72, 59) defining a plane disposed at an angle to a longitudinal axis between 60°-80° (Bates discloses pivotal mounting points 72 and 59 at an angle 0°-180°).

With regard to claim 2, as best as a can be understood Bates discloses mounting structure (74) comprising planar member having a rear surface with mounting (72) point(s) connected to a rear surface of mounting structure (74) (fig. 2).

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With regard to claim 4, as best as a can be understood Bates discloses a compacting end (81), a planar shoe (84) having an outer edge and being mounted (82) to the shaft, the planar shoe having deflection walls (108,109).

With regard to claim 5, as best as a can be understood Bates discloses deflection walls (109) disposed along the entire extent of an outer edge.

With regard to claim 7, as best as a can be understood Bates discloses a planar shoe (84) having a area larger than the cross sectional area of the longitudinal shaft (fig. 4).

With regard to claim 8, as best as a can be understood Bates discloses stabilizing member (101) disposed between the shafts and mounting structure.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 6, as best as a can be understood is rejected under 35 U.S.C. 103(a) as being unpatentable over Bates (5,025,720). At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to construct the planar shoe (84) as a square configuration because Applicant has not disclosed that such shape provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with any parallelogram shape.

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Conclusion

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The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure Bator (2,994,262).

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Shelley Self whose telephone number is (703) 305-5299. The

examiner can normally be reached Mon-Fri from 8:30am to 5:00pm. If attempts to reach the

examiner by telephone are unsuccessful, the examiner's Supervisor, Allen Ostrager can be

reached at (703) 308-3136. The fax phone numbers for the organization where this application

or proceeding is assigned are (703) 305-3579 for regular and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 308-1148.

SSelf

August 19, 2002

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SUPERVISORY PATENT EXAMINER

ALLEN OSTRAGER